



Housing Associations Act 1985

1985 CHAPTER 69

PART I

REGULATION OF HOUSING ASSOCIATIONS

Registration

3 The register

- (1) A register of housing associations shall be maintained by the Housing Corporation and shall be open to inspection at the head office of the Corporation at all reasonable times.
- (2) In this Act "registered" and "unregistered", and other references to registration, in relation to a housing association, refer to registration in the register of housing associations maintained under this section.

4 Eligibility for registration

- (1) A housing association is eligible for registration if it is—
 - (a) a registered charity, or
 - (b) a society registered under the 1965 Act which fulfils the following conditions.
- (2) The conditions are that the association does not trade for profit and is established for the purpose of, or has among its objects or powers, the provision, construction, improvement or management of—
 - (a) houses to be kept available for letting, or
 - (b) houses for occupation by members of the association, where the rules of the association restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by the association, or
 - (c) hostels,

and that any additional purposes or objects are among the following.

Status: This is the original version (as it was originally enacted).

- (3) The permissible additional purposes or objects are—
- (a) providing land or buildings for purposes connected with the requirements of the persons occupying the houses or hostels provided or managed by the association;
 - (b) providing amenities or services for the benefit of those persons, either exclusively or together with other persons;
 - (c) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of on sale or on lease;
 - (d) building houses to be disposed of on shared ownership leases ;
 - (e) encouraging and giving advice on the formation of other housing associations which would be eligible for registration by the Corporation;
 - (f) providing services for, and giving advice on the running of, registered housing associations ;
 - (g) effecting transactions falling within section 45(1) (acquisition and disposal of house at discount to tenant of charitable body).

5 Registration

- (1) The Housing Corporation may register any housing association which is eligible for registration but—
- (a) the Corporation shall establish criteria which should be satisfied by a housing association seeking registration, and
 - (b) in deciding whether to register an association the Corporation shall have regard to whether it satisfies those criteria.
- (2) The Corporation may vary the criteria established by them under subsection (1).
- (3) As soon as may be after registering a housing association the Corporation shall give notice of the registration—
- (a) if the association is a registered charity, to the Charity Commissioners, or
 - (b) if the association is a society registered under the 1965 Act, to the appropriate registrar,
- who shall record the registration.
- (4) For all purposes other than rectification of the register a body shall be conclusively presumed to be, or to have been, a housing association eligible for registration at any time when it is, or was, on the register.

6 Removal from the register

- (1) A body which has been registered shall not be removed from the register except in accordance with this section.
- (2) If it appears to the Housing Corporation that a body which is on the register—
- (a) is no longer a housing association eligible for registration, or
 - (b) has ceased to exist or does not operate,
- the Corporation shall, after giving the body at least 14 days notice, remove it from the register.
- (3) In the case of a body which appears to the Corporation to have ceased to exist or not to operate, notice under subsection (2) shall be deemed to be given to the body if

it is served at the address last known to the Corporation to be the principal place of business of the body.

- (4) A body which is registered may request the Corporation to remove it from the register if it has not at any time received—
- (a) a housing association grant,
 - (b) a revenue deficit grant, or
 - (c) any such payment or loan as is mentioned in paragraph 2 or 3 of Schedule 1 (grant-aided land),

and the Corporation may, if it thinks fit, do so.

- (5) As soon as may be after removing a body from the register the Corporation shall give notice of the removal—
- (a) if the body is a registered charity, to the Charity Commissioners,
 - (b) if the body is a society registered under the 1965 Act, to the appropriate registrar,

who shall record the removal.

7 Appeal against removal

- (1) A body which is aggrieved by a decision of the Housing Corporation to remove it from the register may appeal against the decision to the High Court or, as the case may be, to the Court of Session.
- (2) If an appeal is brought the Corporation shall not remove the body concerned from the register until the appeal has been finally determined or is withdrawn.
- (3) As soon as may be after an appeal is brought the Corporation shall give notice of the appeal—
- (a) if the body concerned is a registered charity, to the Charity Commissioners, or
 - (b) if the body concerned is a society registered under the 1965 Act, to the appropriate registrar.